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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,248	10/24/2003	Ryszard J. Gordecki	CS22815RL	1395

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EXAMINER
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GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/693,248

**Applicant(s)**

GORDECKI, RYSZARD J.

**Examiner**

Jean A Gelin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 11-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite the second part comprises a first surface and a second surface; the pivot axis is tilted with respect to the longitudinal axis by an angle of alpha; and the first surface and the second surface are tilted in opposite directions with respect to the pivot axis by the angle alpha. The drawings and the specification do not provide support for the second part of the cellular telephone to have a first surface and second surface that are tilted in opposite directions as disclosed in claim 11. The Applicant is required to provide such support.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilk (US 6,643,124).

Regarding claims 1, 17, Wilk teaches a cellular telephone (i.e., multiple displays communication device, figs. 12-18) comprising: a first part (panel 124) having a longitudinal axis, the first part including a display (panel 124, which includes display 138, is rotatably mounted to a top edge of panel 122, col. 7, lines 47-62); and a second part (panel 122 which also includes display 136) coupled to the first part by a pivot mechanism that includes a pivot axis that makes an angle of less than ninety degrees with the longitudinal axis of the first part, whereby the second part can be oriented to face different azimuthal angles about the longitudinal axis of the first part (i.e., panels 122, 124, and 126 are coupled to each other via hinges which allow them to rotate at different angles, col. 7, lines 45-62).

Regarding claim 2, Wilk teaches a third part (panel 126) coupled to the first part by a hinge that includes a hinge axis (hinge 131, col. 7, lines 45-50).

Regarding claim 3, Wilk teaches the hinge axis is normal to the pivot axis (col. 7, lines 45-50).

Regarding claim 4, Wilk teaches the pivot axis makes an angle of less than 20 degrees with the longitudinal axis (hinges allow panels to rotate at any angle col. 7, lines 22-52).

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Regarding claim 5, Wilk teaches the pivot axis makes an angle of less than 15 degrees with the longitudinal axis (hinges allow panels to rotate at any angle col. 7, lines 22-52).

Regarding claim 6, Wilk teaches the first part comprises a first surface (panel 124); the second part comprises a second surface located adjacent the first surface of the first part (panel 122); and the pivot mechanism (hinge 128 in an alternate arrangement, col. 7, lines 58-62) comprises: a pinion extending from one of the first and second surfaces (a pin within the hinge to permit rotation); and a hole formed in another of the first and second surfaces, wherein the pinion extends into the hole (col. 7, lines 22-63).

Regarding claim 7, Wilk teaches interconnecting multiple displays within a communication device wherein a spring seat located in one of the first and second parts, around the hole, a spring retainer attached to the pinion, and a coil spring located around the pinion between the spring seat and the spring retainer are intrinsic components of the communication device (col. 7, lines 10 to col. 8, line 41).

Regarding claims 8, 9, Wilk teaches interconnecting multiple displays within a communication device an annular, axially acting cam disposed on one of the first and second surfaces, and an annular, axially engaging follower disposed on another of the first and second surfaces, and positioned to engage the axially acting cam (col. 7, lines 10 to col. 8, line 41).

Regarding claim 10, Wilk teaches the first part comprises a first display (138); and the second part comprises a second display (136) (fig. 13).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilk in view of Matsumoto (US 2003/0228847).

Regarding claim 14, Wilk teaches all the limitations above except the second part comprises a camera.

However, the preceding limitation is known in the art of communications. Matsumoto teaches the second part comprises a camera (illustrated in supporting section 10 of figs. 3, 4). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Matsumoto within the system of Wilk in order to provide a cellular telephone with camera allowing user to view image and take pictures of his/her own face as well as a landscape in good condition by only one camera at a low manufacturing cost (paragraphs 14 and 42-44).

Regarding claims 15, 18, Wilk in view of Matsumoto teaches all the limitations above. Wilk further teaches the second part comprises a display (display 136 in panel 122 of fig. 13. Matsumoto further teaches the display and the camera are in opposite directions (illustrated in figs. 5 and 6).

Wilk does not specifically teach in the second part the display and the camera face in opposite directions.

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However, given that Matsumoto teaches a display at the opposite direction of camera in a flip cover. Therefore, rearranging the parts in the combination system of Wilk and Matsumoto are within the level of one of ordinary skill in the art to provide a small portable communication device with excellent portability at a low manufacturing cost.

Regarding claims 15, 18, Wilk in view of Matsumoto teaches all the limitations above. Wilk further teaches the pivoting head further comprises an earpiece speaker (fig. 5, earpiece 26)

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto	US 6,297,945	10/02/2001
Lin	US 2004/0145865	07/29/2004
Oh et al.	US 6,865,400	03/08/2005
Rebeske	US 6,295,038	09/25/2001

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin  
May 14, 2005

**JEAN GELIN**  
**PRIMARY EXAMINER**

*Jean Allard Gelin*